

## Fwd: Ontario announcement on state of emergency: CI measures

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**Date:** Fri, 11 Feb 2022 22:50:50 +0000

Nice team work

DG GOC Public Safety  
613-219-2375 cell  
Semper observavit

Begin forwarded message:

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**Date:** February 11, 2022 at 5:47:21 PM EST  
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**Subject:** Ontario announcement on state of emergency: CI measures

Hi all.

Wanted to share some info on Ontario's declaration of a state of emergency this morning, which includes CI references. Some highlights of mainstream media coverage of the Premier's announcement below.

### [CBC News:](#)

- Ford said he will convene cabinet and "urgently enact orders that will make crystal clear it is illegal and punishable to block and impede the movement of goods, people and services along critical infrastructure."
- "This will include protecting international border crossings, 400-series highways, airports, ports, bridges and railways. It will also include protecting the safe and essential movement of ambulatory and medical services, public transit, municipal and provincial roadways, as well as pedestrian walkways," Ford said.

### [The Globe and Mail:](#)

- Ontario Premier Doug Ford is declaring a state of emergency in Ontario to deal with the border blockade and Ottawa protests and says his cabinet will enact orders to make it illegal to block borders and highways and will impose \$100,000 fines and prison terms for those who defy them.
- The federal government welcomed the emergency measures from Ontario and believed that the “punitive economic measures” would have an impact. “We think that’s a very, very positive step from the Government of Ontario. We think that will help remove the illegal blockades at border crossings that have threatened not only the Canadian economy, but thousands of jobs that depend on that very active cross border trade,” Mr. LeBlanc said.

You can watch the Premier’s announcement and press conference [here](#). Of note on the emergency measures:

- While the Premier states emergency orders will be temporary, he adds that Ontario has “every intention to bring forward new legislation forward that will make these measures permanent in law.”
- The Ontario Solicitor General notes “the initial declaration [of the state of emergency] will be for 42 hours. Cabinet will meet tomorrow to go over further amendments.”
- The Solicitor General goes on to note that “You will see in the spring legislative session we’re going to start deal with some of these safety problems that are causing people to be on public highways, on public roads, putting themselves and the community in danger.”
  - o By way of reference, please text below on **Alberta’s Critical Infrastructure Defence Act** (2020).
  - o **Federally, we have no basis—legislative or otherwise—for designating any asset or system as “critical infrastructure”.**
    - § You will recall our [Guidance on Essential Services and Functions in Canada During the COVID-19 Pandemic](#) in which we note:
      - “Municipal, provincial, territorial or Indigenous jurisdictions have the legislative authority to implement and execute response actions within their jurisdictions.”

Alberta’s [Critical Infrastructure Defence Act](#):

[Bill 1, the Critical Infrastructure Defence Act](#) (which came into force on June 17, 2020), protects essential infrastructure from damage or interference caused by blockades, protests or similar activities, which can cause significant public safety, social, economic and environmental consequences. The act builds on existing trespassing laws to create offences for trespassing on, destroying, damaging, and obstructing the use or operation of any essential infrastructure. The act:

- Legally defines essential infrastructure to include public and private infrastructure such as:
  - o Pipelines and related infrastructure.
  - o Oil and gas production and refinery site.
  - o Utilities (electric, gas, and water).
  - o Telecommunication lines, towers, and equipment.
  - o Highways.
  - o Railways.
  - o Mines.
- Allows regulations to expand the definition of essential infrastructure in the future if necessary.
- Creates offences for:

- o Willfully entering any essential infrastructure.
- o Willfully destroying or damaging essential infrastructure.
- o Willfully obstructing, interrupting or interfering with the construction, maintenance, use or operation of any essential infrastructure.
- o Gaining entry to any essential infrastructure under false pretenses.
- o An individual or corporation to aid, counsel or direct the commission of an offence.
- Introduces penalties similar to the Trespass to Premises Act and the Petty Trespass Act:
  - o Up to \$10,000 for a first offence.
  - o Up to \$25,000 for subsequent offences, as well as possible prison time of up to 6 months.
  - o Up to \$200,000 for corporations that help or direct trespassers.

I will keep tabs on what Ontario announces re: CI.

Best regards,  
Ryan

**Ryan Schwartz** (he/him/il)

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*Travailler et apprendre avec gratitude sur les territoires traditionnels et non-cédés du peuple Algonquin Anishnaabeg*

